IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.59/1984

Thakurji Shri Laxminarainji, Ramganj Bazar,
Chowkri Ramchandraji, through its Shebait
Pujari Tota Ram S/o Mangilal Brahmin
...defendant-appellant
Versus
Smt. Ramkali Widow of Shri Pyarelal & Others
...plaintiff-respondents

Date of Order ::: 10.11.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri Tota Ram Pujari S/o Mangilal, on behalf of defendant-appellant Thakurji Shri Laxminarainji, present-in-person,
along with his Counsel - Shri Parag Rastogi, Advocate.

Shri Surat Ram, power-of-attorney-holder of respondent no.6 Smt. Anguri Devi and respondent no.7 Smt. Phulwati, present-in-person
AND
Shri Suresh Kumar Verma, Power-of-attorney-holder of respondents no.5/1 Subhash Chand Verma, 5/2 Suresh Verma, 5/3 Satish Verma, 5/4 Rakesh Kumar Verma, 5/5 Meena Verma, 5/6 Usha Verma and 5/7 Neeta Verma, 4/1 Smt. Premlata, 4/2 Smt. Kamlesh, 4/3/1 Smt. Sunita Verma, for herself and for respondents no.4/3/2 Divya, 4/3/3 Anuradha and 4/3/4 Ishaan (All the three minors, being the natural guardian)
along with their Counsel -
Shri D.D. Patodia, Advocate, for all the respondents.

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By the Court:-

The defendant-appellant has filed this second appeal under Section 100 of the C.P.C. against the judgment and decree dated 23rd of November, 1983, passed by the Additional District & Sessions Judge

No.1, Jaipur City, in Civil Regular Appeal No.5/83 (45/1982), whereby he dismissed the appeal of the plaintiff and affirmed the judgment and decree dated 27th of January, 1982 passed by the Additional Civil Judge, (Small Causes Court), Jaipur City, Jaipur, in Civil Suit No.5/73, whereby the suit of the plaintiff-respondent for possession and permanent injunction was decreed.

During the course of arguments, both the parties have entered into a compromise on the following terms and conditions:-

> 1. The defendant-appellant does not press the present second appeal and the same is dismissed as not pressed. The judgment and decree passed by both the courts below are upheld;
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> 2. The respondents shall pay a sum of Rs.4,21,000/- (Rupees four lac twenty-one thousand only) to the appellant by way of Cheque or Demand Draft in the name of Thakurji Shri Laxminarainji, Ramganj Bazar, Chowkri Ramchandraji, Jaipur, as soon as possible but not later than six months from today;
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> 3. The executing court is directed to execute the decree passed in favour of the plaintiff-respondents only after recording its satisfaction to the effect that the payment of Rs.4,21,000/- (Rupees four lac twenty-one thousand only) has actually been received by the defendant-appellant;
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> 4. In case the aforesaid

payment of Rs.4,21,000/- (Rupees four lac twenty-one thousand only) is not made within the aforesaid period for any reason whatsoever then this order dismissing the appeal as not pressed shall be deemed to have been recalled and the present second appeal shall stand allowed; the present suit filed by the plaintiff-respondent will be deemed to have been dismissed and the judgment and decree passed by both the courts below will be deemed to have been set aside.

With the aforesaid terms, conditions and directions the appeal is disposed of with no order as to cost.

(Narendra Kumar Jain) J.

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